

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ORDER OF COURT

AND NOW this **23** day of October, 2006, with the issuance of the mandate from the Court of Appeals for the Third Circuit in the above upon captioned case, which returns jurisdiction to the District Court, IT IS HEREBY ORDERED that the government's motion to dismiss defendant's second motion for new trial [document #76] is DENIED, without prejudice.

IT IS FURTHER ORDERED that the government shall respond to defendant's second motion for new trial [document #74] and memorandum in support on or before November 10, 2006. Defendant may file a reply brief to the government's response on or before November 21, 2006. There will be no further briefing allowed without express order of court.

BY THE COURT:

G. H. Hamant, J.

cc: All counsel of record